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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,112	06/27/2001	Philip M. Walker	10005039-1	4872
<div>7590 10/31/2007 HEWLETT-PACKARD COMPANY Intellectual Property Administration P.O. Box 272400 Fort Collins, CO 80527-2400</div>			<div>EXAMINER DOAN, DUYEN MY</div>	
			<div>ART UNIT 2152</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE 10/31/2007</div>	<div>DELIVERY MODE PAPER</div>

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 09/893,112	Applicant(s) WALKER ET AL.	
	Examiner Duyen M. Doan	Art Unit 2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

This office action is in response to the submission filed on 8/23/2007. Claims 1-19 are presented for examination.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4,6-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pugaczewski et al (us pat 6,903,755) (hereinafter Pug) in view of Hsieh et al (us 2002/0158900) (hereinafter Hsieh).

As regarding claim 1, Pug discloses providing a graphical user interface to an operator of the service provider where in the GUI use for create connection between the remote client on the client network and the service provider computer on the service provider (see col.3, lines 1-14; provide GUI to network management system for configuring a connection between first service end point may be an ISP and the second service end point may be a customer); such that the process used by the service provider operator using the GUI is the same regardless of a configuration of the remote client network (the phrase "such that" construe similar meaning with the phrase "wherein, whereby" the court noted (quoting Minton v. Nat 'l Ass'n of Securities Dealers, Inc., 336 F.3d 1373, 1381, 67 USPQ2d 1614, 1620 (Fed.Cir. 2003)) that a "whereby clause in a method claim is not given weight when it simply expresses the intended result of a process step positively recited (see MPEP 2111.04); receiving a command of the service provider operator with the GUI that convey the identity of the client and the service provider computer to be accessed by the client (see Pug col.19, lines 59-67; also see figure 23, identity of customer 542; and identity of ISP 542); automatically determining the configuration of the client network and automatically establishing connection between client computer and the service provider computer (see col.19, lines 59-67 to col.20, lines 1-33, also see figure 23) so as to enable the client to remotely utilize the computing capabilities of the service provider computer (the phrase "so as" construe similar meaning with the phrase "wherein, whereby" the court noted (quoting Minton v. Nat 'l Ass'n of Securities Dealers, Inc., 336 F.3d 1373, 1381, 67 USPQ2d 1614, 1620 (Fed.Cir. 2003)) that a "whereby clause in a method claim is not

given weight when it simply expresses the intended result of a process step positively recited (see MPEP 2111.04).

Pug discloses the invention as claimed, however Pug does not specifically disclose the connection between the customer and the service provider is a VLAN.

Hsieh discloses the connection between the customer and the service provider is a VLAN (see Hsieh pg.6, par 0053; pg.7, par 0058).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the teaching of Hsieh to the method of Pug to use VLAN as the connection between the customer and the service provider for the purpose of avoiding latency infrastructures as compared with operating across a number of routers (see Hsieh pg.6, par 0053; pg.7, par 0058).

As regarding claim 2, Pug-Hsieh discloses wherein the GUI comprises lists of clients and available service provider computers (see Pug col.19, lines 59-67; also see figure 23, identity of customer 542; and identity of ISP 542).

As regarding claims 3, Pug-Hsieh discloses wherein receiving commands comprises first receiving selection of a client for which connectivity is to be provided (see Pug col.19, lines 59-67; also see figure 23, identity of customer 542; and identity of ISP 542).

As regarding claim 4, Pug-Hsieh discloses detecting association of a service provider computer with a client VLAN (see Hsieh pg.6, par 0053; pg.7, par 0058). The same motivation was utilized in claim 1 applied equally well to claim 4.

As regarding claims 6, Pug-Hsieh discloses wherein determining the client network configuration comprises accessing a connectivity database that stores the client network configuration (see Pug col.1, lines 62-67).

As regarding claims 7-11, the limitations of claims 7-11 are similar to limitations of rejected claims 1-4,6, therefore rejected for the same rationale as claims 1-4, 6.

As regarding claims 12-16, the limitations of claims 12-16 are similar to limitations of rejected claims 1-4,6, therefore rejected for the same rationale as claims 1-4, 6.

Claims 5,17-19 rejected under 35 U.S.C. 103(a) as being unpatentable over Pug and Hsieh as applied to claim 4 above, and further in view of McNally et al (us pat 6,259,448) (hereinafter McNally).

As regarding claim 5, Pug-Hsieh discloses the invention substantially as claimed in claim 4 above, however the combination of Pug-Hsieh does not disclose the concept drag and drop in GUI.

McNally teaches the concept of implement the drag and drop protocol in a graphical user interface (see McNally col.2, lines 9-21).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the teaching of McNally to the method of Pug-Hsieh to implement drag and drop protocol in a GUI, because by dragging and dropping would reduce the work of administrator and minimize the number of actions required by the administrator (see McNally col.2, 1-40).

As regarding claim 17, Pug-Hsieh discloses the invention substantially as similar to the rejected claim 1, however the combination of Pug-Hsieh does not disclose the concept drag and drop in GUI.

McNally teaches the concept of implement the drag and drop protocol in a graphical user interface (see McNally col.2, lines 9-21).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the teaching of McNally to the method of Pug-Hsieh to implement drag and drop protocol in a GUI, because by dragging and dropping would reduce the work of administrator and minimize the number of actions required by the administrator (see McNally col.2, 1-40).

As regarding claim 18, Pug-Hsieh-McNally discloses wherein the first window includes a VLANs subwindow that identifies clients and a resource subwindow that identifies service provider associated with the clients identified in the VLANs subwindow (see Pug figure 23).

As regarding claim 19, Pug-Hsieh-McNally discloses dragging and dropping further causes automatic establishment a VLAN between client and the service provider computer regardless of the configuration of the remote client network (see McNally col.2, 1-40; also see Hsieh pg.3, par 12-13; pg.6, par 50-52; pg.7, par 53-54, par 56-59; pg.8, par 60-62; also see Hsieh pg.6, par 0053; pg.7, par 0058). The same motivation was utilized in claim 17 applied equally well to claim 19.

**Examiner's Note:**

Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in



entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2152

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duyen M. Doan whose telephone number is (571) 272-4226. The examiner can normally be reached on 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Examiner  
Duyen Doan  
10/24/2007.

  
ANDREW CALDWELL  
SUPERVISORY PATENT EXAMINER